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Elimination of racism and racial discrimination

Venezuela:* draft resolution

Third Decade to Combat Racism and Racial Discrimination and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The General Assembly,

Reaffirming its objectives, as set forth in the Charter of the United Nations, of achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter and the Universal Declaration of Human Rights,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Noting the efforts of the Committee on the Elimination of Racial Discrimination since its establishment in 1970 to promote the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

Welcoming the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001 in Durban, South Africa,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

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Recalling the outcome of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and in 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Stressing the importance and sensitivity of the activities of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling with satisfaction the proclamation, in resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993, and the adoption, in resolution 49/146 of 23 December 1994, of the revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two previous Decades have not been attained and that millions of human beings continue to the present day to be the victims of varied forms of racism and racial discrimination,

Noting with great concern that, despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase in many parts of the world and that the number of associations established on the basis of racist and xenophobic platforms and charters is increasing, as reflected in the report of the Special Rapporteur,[1]

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, xenophobia and related intolerance against, inter alia, Africans, people of African descent, Arabs, Muslims, Jews and Christians persist or are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Noting with grave concern that, as the Third Decade to Combat Racism and Racial Discrimination draws to a close, most of its principal objectives have not been achieved, largely owing to lack of political will and commitment, including lack of adequate funding,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Recognizing that the promotion of tolerance and respect for cultural diversity is an important factor, among others, in eliminating racism, racial discrimination, xenophobia and related intolerance,

Alarmed that technological developments in the field of communications, including the Internet, continue to be utilized by various groups engaged in violent activity to promote racist and xenophobic propaganda aimed at inciting racial hatred

[1] E/CN.4/2001/21 and Corr.1.

and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

Having considered the report submitted by the Secretary-General within the framework of the implementation of the Programme of Action,[2]

Recalling its resolution 54/154 of 17 December 1999, in which it requested the Secretary-General to include in his report to the General Assembly at its fifty-fifth session concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action,

Recognizing the importance of strengthening national legislation and institutions for the promotion of racial harmony and for the effective enforcement of such legislation,

Remaining firmly convinced of the need to take more effective and sustained measures at the national and international levels for the elimination of all forms of racism and racial discrimination,

Deeply concerned that the phenomenon of racism and racial discrimination against migrant workers continues to increase, despite the efforts made by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Acknowledging that indigenous people are at times victims of particular forms of racism and racial discrimination,

Noting with concern the existence of multiple discrimination, in particular against women,

Stressing the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

I
Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

1. *Welcomes* the report of the Secretary-General;[2]

2. *Reaffirms* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and its commitment to eradicate, by all available means, racism in all its forms and racial discrimination;

[2] A/56/481.

3. *Recognizes* that Governments implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

4. *Urges* all Governments to take all necessary measures to combat new forms of racism, in particular by constantly adapting the means provided to combat them, especially in the legislative, judicial, administrative, educational and information fields;

5. *Calls upon* all States to bring resolutely to justice the perpetrators of crimes motivated by racism, and calls upon those that have not done so to consider including racist motivation as an aggravating factor for the purposes of sentencing;

6. *Requests* the United Nations High Commissioner for Human Rights to continue assigning high priority to the programmes and activities for combating racism and racial discrimination, including the follow-up of activities;

7. *Requests* the Secretary-General, in his reports on racism, racial discrimination, xenophobia and related intolerance, to accord special attention to and provide information on the situation of migrant workers and members of their families in this regard;

8. *Calls upon* all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority;

9. *Commends* all States that have ratified or acceded to the international instruments to combat racism and racial discrimination, especially the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education;

10. *Urges* all States that have not yet done so to become parties to the International Convention on the Elimination of All Forms of Racial Discrimination in order to achieve its universal ratification;

11. *Also urges* States to limit the extent of any reservation that they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination, to formulate any reservation as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the objective and purpose of the Convention or otherwise incompatible with international treaty law, to review their reservations on a regular basis with a view to withdrawing them and to withdraw reservations that are contrary to the objective and purpose of the Convention or that are otherwise incompatible with international treaty law;

12. *Emphasizes* the importance of the full compliance of States parties with the obligations that they have accepted under the International Convention on the Elimination of All Forms of Racial Discrimination;

13. *Urges* all States parties to intensify efforts to meet the obligations that they have accepted under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, with due regard to the principles contained in the Universal Declaration of Human Rights and to article 5 of the Convention, with respect to:

(a) Declaring an offence punishable by law any dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and the provision of any assistance to racist activities, including the financing thereof;

(b) Declaring illegal and prohibited organizations and organized and all other propaganda activities that promote and incite racial discrimination, and recognizing participation in such organizations or activities as an offence punishable by law;

(c) Not permitting public authorities or public institutions, whether national or local, to promote or incite racial discrimination;

14. *Encourages* the mass media to promote ideas of tolerance and understanding among peoples and different cultures;

15. *Requests* the Secretary-General to continue to draw attention to the effects of racial discrimination on minorities and migrant workers and members of their families, especially children and women, in the fields of education, training and employment and to submit in his report specific recommendations for the implementation of measures to combat such discrimination;

16. *Recognizes* the need for adequate support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and requests the Secretary-General to include, in his report to the General Assembly at its fifty-seventh session, concrete proposals on how to ensure the financial and personnel resources required for the implementation of the Programme of Action, including through the regular budget of the United Nations and extrabudgetary sources;

17. *Expresses* its appreciation to those that have made contributions to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, strongly appeals to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Fund and, to this end, requests the Secretary-General to continue to establish the appropriate contacts and undertake the appropriate initiatives;

18. *Welcomes* the establishment of the racism project team in the Office of the United Nations High Commissioner for Human Rights with a view to coordinating all activities of the Third Decade;

19. *Urges* all Governments, the Secretary-General, United Nations bodies, the specialized agencies, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action, to pay particular attention to the situation of indigenous people;

20. *Requests* States to consider the relevant decisions of the Economic and Social Council on the integrated follow-up to previous world conferences and the need to make optimum use of all available mechanisms in the struggle against racism;

21. *Strongly underlines* the importance of education as a significant means of preventing and eradicating racism and racial discrimination and of creating

awareness of the principles of human rights, in particular among young people, and in this regard requests the United Nations Educational, Scientific and Cultural Organization to continue its work on the preparation and dissemination of teaching materials and teaching aids to promote teaching, training and educational activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

22. *Considers* that, in order to attain the objectives of the Third Decade, all parts of the Programme of Action should be given equal attention;

23. *Requests* the Secretary-General to accord high priority to the activities of the Programme of Action and, in this regard, to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 2002-2003;

24. *Also requests* the Secretary-General to continue to submit each year to the Economic and Social Council a detailed report on all activities of United Nations bodies and the specialized agencies to combat racism and racial discrimination, containing an analysis of information received on such activities;

25. *Invites* the Secretary-General to submit to the General Assembly proposals which would assist in the full implementation of the Programme of Action;

26. *Reiterates* its calls upon all Governments, United Nations bodies, the specialized agencies, intergovernmental and regional organizations and interested non-governmental organizations to contribute fully to the effective implementation of the Programme of Action;

II

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

1. *Recalls* its resolutions 52/111 of 12 December 1997 and 53/132 of 9 December 1998, in which it established that the Commission on Human Rights would act as the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolution 54/154, and takes note of Commission on Human Rights resolution 2000/14 of 17 April 2000 and Economic and Social Council resolution 2000/21 of 28 July 2000;

2. *Also welcomes* the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;[1]

3. *Requests* the Commission on Human Rights to consider establishing a working group or other mechanism of the United Nations to study the problems of racial discrimination faced by people of African descent living in the African Diaspora and make proposals for the elimination of racial discrimination against people of African descent;

4. *Encourages* financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies, to:

(a) Assign particular priority and allocate sufficient funding, within their areas of competence and budgets, to improve the situation of victims of racism, racial discrimination, xenophobia and related intolerance in order to combat manifestations of racism, racial discrimination, xenophobia and related intolerance and to include them in the development and implementation of projects concerning them;

(b) Integrate human rights principles and standards into their policies and programmes;

(c) Consider including in their regular reporting to their boards of governors information on their contribution to promote the participation of victims of racism, racial discrimination, xenophobia and related intolerance within their programmes and activities, and information on the efforts taken to facilitate their participation and to ensure that those policies and practices contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance;

(d) Examine how their policies and practices affect victims of racism, racial discrimination, xenophobia and related intolerance and ensure that those policies and practices contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance;

5. *Urges* financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies, to:

(a) Assign particular priority, and allocate sufficient funding, within their areas of competence and budgets, to improving the situation of Africans and people of African descent, while devoting special attention to the needs of those populations in developing countries, inter alia through the preparation of specific programmes of action;

(b) Carry out ·cial projects, through appropriate channels and in collaboration with Afr. ans and people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between those populations and experts in those areas;

(c) Develop programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives;

6. *Requests* States:

(a) To develop and, where they already exist, support institutional mechanisms to promote the accomplishment of the objectives and measures relating to indigenous peoples agreed in the present plan of action;

(b) To promote, in concert with indigenous organizations, local authorities and non-governmental organizations, actions aimed at overcoming racism, racial discrimination, xenophobia and related intolerance against indigenous peoples and to make regular assessments of the progress achieved in this regard;

(c) To promote understanding in society at large of the importance of special measures to overcome disadvantages faced by indigenous peoples;

(d) To consult indigenous representatives in the process of decision-making concerning policies and measures that directly affect them;

7. *Urges* States to work to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination against specific sectors of society;

8. *Also urges* States to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia, and related intolerance, including their gender-based manifestations, and to take all necessary constitutional, legislative and administrative measures to foster equality and to review existing measures with a view to amending or repealing national legislation and administrative provisions that may give rise to racial discrimination. Such plans, policies and measures should take into account priorities identified by individuals and groups who are victims of, or subject to racism, racial discrimination, xenophobia and related intolerance;

9. *Urges further* all multilateral financial and development institutions, in particular the World Bank, the International Monetary Fund, the World Trade Organization and regional development banks, to promote, in accordance with their regular budgets and the procedures of their governing bodies, participation by all members of the international community in decision-making processes at all stages and levels in order to facilitate development projects and, as appropriate, trade and market access programmes;

10. *Underlines* the key role that politicians and political parties can play in combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society, inter alia, by developing voluntary codes of conduct, which include internal disciplinary measures for violations thereof, so their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance;

11. *Urges* international financial and development institutions and the operational programmes and specialized agencies of the United Nations to give greater priority to, and allocate appropriate funding for programmes addressing the development challenges of the affected States and societies, in particular those on the African continent and in the Diaspora;

III
General

Decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of high priority at its fifty-seventh session.